

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 933 of 2019**

Chandulal Patel S/o Late Ranchhor Bhai Patel Aged About 55 Years R/o Shiv Shakti Society, Visnagar Road, House No. 55, Police Station Unjha, District- Mehsana, Gujrat., District : Mahesana, Gujarat.

---- Applicant**Versus**

State Of Chhattisgarh Through Police Station Sector- Mohan Nagar, Durg, District- Durg, Chhattisgarh., District : Durg, Chhattisgarh.

---- Respondent

For the Applicant : Shri T.K. Jha, Advocate.
For the Respondent/State : Shri Adil Minhaj, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****10.07.2019**

1. Heard on application under Section 438 of the Code of Criminal Procedure, 1973.

2. This is the first bail application filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the applicant who is apprehending arrest in connection with Crime No. 84 of 2016, registered at Police Station – Mohan Nagar, Durg, District Durg, Chhattisgarh for the offence punishable under Sections 420, 467, 468 and 471/ 34 of the Indian Penal Code.

3. It is submitted by counsel for the applicant that the applicant has been falsely implicated in this case. Apart from the statement given by the complainant involving this applicant in the alleged commission of crime, there is no other evidence present. The statement of the complainant is

mere allegation without support of any corroborative evidence. Earlier, the case was investigated and a closure report was filed but later on, the investigation has been taken up again. There is also a report of Deputy Director (prosecution), Durg that there is no evidence present to prosecute this applicant and co-accused – Naveen Kumar Patel. Co-accused – Naveen Kumar Patel has been granted anticipatory bail by this Court in M.Cr.C.(A) No. 439 of 2019 vide order dated 28.3.2019. Hence, it is prayed that the applicant be benefited with grant of anticipatory bail.

4. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that the complainant has stated that fraudulent sale has been made by the deceased/ accused – Ranchhordas with the help of this applicant and the other co-accused persons. Hence, no case is made out for grant of anticipatory bail to the applicant.

5. Heard counsel for both the parties and perused the case diary.

6. According to the prosecution case, complainant – Purshottam Patel has alleged in the year 2010 that his brother Ranchhordas has prepared a forged power of attorney with the help of this applicant and the other co-accused persons and thereafter, he has disposed off the property belonging to the complainant. Hence, this case.

7. After considering the material present in the case-diary and the fact that this applicant is not the power of attorney holder or a witness to that document and also after considering all the evidence that is proposed for

prosecution of this applicant, I feel inclined to grant anticipatory bail to the applicant.

8. Accordingly, the anticipatory bail application is allowed and it is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail by the Officer arresting him on executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Investigating Officer. He shall also abide by the following conditions:

- '(i) that the applicant shall make himself available for interrogation before the Investigating Officer as and when required;
- (ii) that the applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;
- (iii) that the applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that the applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.'

Sd/-

(Rajendra Chandra Singh Samant)
Judge